**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.**
**Writ Petition No. 39(S/B)2003**

Indra Singh S/o Puran Singh,
R/o village Bunga, P.O. Kuwali, district Almora,
Presently posted as Class IV employee in
Rajkiya Jan Jati Chhatrawas, Kashipur,
District Udham Singh Nagar. ---- Petitioner.

Vs.

1. State of Uttarakhand through Secretary,
   Department of Social Welfare,
   Govt. of Uttarakhand, Dehradun,
2. Director, Social Welfare, Uttarakhand, Dehradun,
3. Addl. Director, Social Welfare, Uttarakhand, Dehradun.
4. District Social Welfare Officer, Udhan Singh Nagar,
5. Prabandhak Rajkiya Jan Jati Chhatrawas,
   Kashipur, District Udham Singh Nagar. ----Respondents.

Sri alok Mehra, learned counsel for the petitiner,
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Alok Mehra, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of certiorari for quashing the impugned order dated 01.11.2002 passed by Addl. Director Social Welfare, Uttarakhand, Dehradun by which the petitioner, who was working as Class IV employee on regular basis was directed to work continuously on contractual basis.

Stand of the petitioner is that he was initially appointed on Class IV post on contractual basis with the Department, and vide order dated 18.12.2001, the petitioner was given regular appointment on the post of Peon in the respondent's establishment by the Competent Authority. Surprisingly, vide

order dated 1st November 2002, after about 8 months, the said order was cancelled by the Addl. Director, directorate Social Welfare, Uttarakhand, Dehradun without issuing any show cause notice to the petitioner; without assigning any reason recalling the order dated 18.12.2001 and without affording any opportunity of hearing to the petitioner.

The respondents, in their counter affidavit have submitted that the services of the petitioner were regularized on the post held by him vide order dated 18.12.2001 by the respondent's Department without following prescribed procedure required for appointment by way of direct recruitment and without obtaining approval from the State Govt.

It is not disputed that the services of the petitioner were regularized on the post vide order dated 18.12.2001 however, the order of regularization was cancelled by the respondent vide order dated 1st November 2002 that too without issuing any show cause notice to the petitioner; without assigning any reason for recall of the order dated 18.12.2001 and without affording any opportunity of hearing to the petitioner.

In these circumstances, the impugned order dated 1st November 2002 is hereby quashed, but it is open for the respondents to pass fresh order in the matter after affording adequate opportunity of hearing to the petitioner. No order as to costs.

**(M.M. Ghildiyal, J.)**

April 27,2007:
NCM: